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RICHARD W. HENNING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

RS

11 FUZZYSHARP TECHNOLOGIES
12 INCORPORATED,

13 Plaintiff,

14 vs.

15 3DLABS INC., LTD.

16 Defendant.

CV Civil Action No.

COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND
FOR JURY TRIAL

5948

17 NOW COMES Plaintiff, FUZZYSHARP TECHNOLOGIES INCORPORATED
18 ("FST"), through its attorneys, and files this Complaint for Patent Infringement and Demand for
19 Jury Trial against 3DLABS INC., LTD. ("3DLABS"), and in support thereof Plaintiff FST states
20 as follows:

21 JURISDICTION AND VENUE

22 1. This is an action for patent infringement of United States Patent No. 6,172,679
23 (hereinafter "the '679 Patent"), and United States Patent No. 6,618,047 (hereinafter "the '047
24 Patent") pursuant to the laws of the United States of America as set forth in Title 35 Sections
25 271 and 281 of the United States Code. This court has subject matter jurisdiction over this action
26 pursuant to 28 U.S.C. Sec. 1338(a) and 28 U.S.C. Sec. 1331.
27
28

2. Venue is proper in this judicial district under 28 U.S.C. § 1391(d).

3. Plaintiff FST, is a corporation organized under the laws of the State of Nevada.

4. Defendant 3DLABS, is a corporation having a principal office in the State of California.

INTRADISTRICT ASSIGNMENT

5. This is an action for Patent Infringement, which is an excepted category under Civil L.R. 3-2(c). Pursuant to Civil L.R. 3-2(c), this action is assigned on a district-wide basis.

CAUSES OF ACTION FOR PATENT INFRINGEMENT

6. On January 9, 2001, the '679 Patent entitled "VISIBILITY CALCULATIONS FOR 3D COMPUTER GRAPHICS", was duly and legally issued to Hong Lip Lim, as the sole patentee.

7. The '679 Patent was assigned entirely to Plaintiff FST

8. Plaintiff FST is the sole owner of the '679 Patent, and has standing to bring this action.

9. On September 9, 2003, the '047 Patent entitled "VISIBILITY CALCULATIONS FOR 3D COMPUTER GRAPHICS", was duly and legally issued to Hong Lip Lim, as the sole patentee.

10. The '047 Patent was assigned entirely to FST.

COUNT ONE

11. Plaintiff FST, repeats and incorporates herein the allegations contained in paragraphs 1 through 11 above.

12. Defendant 3DLABS is engaged in direct infringement of at least claim 1 of the '679 Patent pursuant to 35 U.S.C. § 271(a), in its use, development and testing of products in the United States, and the sale of the products in the United States. The Defendant 3DLABS infringing products are at least as follows: Wildcat graphic products and Sun OEM Products incorporating the use of occlusion query.

COUNT TWO

13. Plaintiff, FST, repeats and incorporates herein the allegations contained in paragraphs 1 through 12 above.

14. Defendant 3DLABS is engaged in direct infringement of at least claim 12 of the '047 Patent pursuant to 35 U.S.C. § 271(a), in its use, development and testing of products in the United States, and the sale of the products in the United States. The Defendant 3DLABS infringing products are at least as follows: Wildcat graphic products and Sun OEM Products incorporating the use of occlusion query.

JURY DEMAND

17. Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a jury trial as to all issues in this lawsuit.


PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

- a. enter judgment for Plaintiff on this Complaint;
- b. order that an accounting be had for the damages caused to the Plaintiff by the infringing activities of the Defendant;
- c. award Plaintiff interest and costs;
- d. enter a permanent injunction to enjoin the Defendant and those in privity with or acting in concert with Defendant from further infringement of the '679 Patent and the '047 patent during the remainder of respective terms for which the patents have been granted; and
- e. award Plaintiff such other and further relief as this Court may deem just and equitable.

THE PLAINTIFF
FUZZYSHARP TECHNOLOGIES
INCORPORATED

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